

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MAINE**

**In re: Peter F. Wincapaw, Sr.  
Bonita M. Wincapaw**

**Chapter 13 Bankruptcy  
Case No. 14-10130**

**INTERIM ORDER CONFIRMING FIRST AMENDED CHAPTER 13 PLAN AND  
SETTING DEADLINES FOR CERTAIN ACTIONS**

After notice and hearing on confirmation of the Debtors' Amended Chapter 13 Plan, the Court finds that it complies with all provisions of Title 11 and that it is in the best interests of all creditors, the debtor and the estate. It is hereby ORDERED that the Debtors' Amended Chapter 13 Plan dated April 22, 2014, as appears on the court docket is confirmed as filed or modified as set forth below. Terms of the plan not expressly modified by this order are incorporated herein and made a part hereof by reference. The Court retains jurisdiction to make such other and further orders as may be necessary or appropriate to effect the Plan and this Order.

I. The following modifications to the Plan are hereby ORDERED:

- ☒ A. The total term of the plan shall be 55 months.
- ☒ B. The Debtors' monthly payment shall be \$1,000.00 for month for 2 months and \$1,244.38 for 53 months, commencing on March 1, 2014 and a lump sum payment of \$5,000.00 by March 30, 2014. The total to be paid by the Debtors to the Trustee is \$72,952.14, plus excess tax refunds as provided below.
- ☒ C. The Trustee is authorized and directed to pay Debtors' counsel fees as set forth in the Plan and make interim distributions to undisputed secured, priority, executory contract and unexpired lease creditors as set forth in the Plan pursuant to their timely filed claims, subject to the Trustee's statutory fees (28 U.S.C. §586). This Order does not constitute final confirmation of the Plan and is not a determination of any issue other than the authority of the Trustee to make such payments.
- ☐ D. The stipulation between or among the Debtors, the Trustee and \_\_\_\_\_ [party in interest] dated \_\_\_\_\_ is approved and incorporated by reference into this Order.

[ ] E. Other: None.

II. It is FURTHER ORDERED as follows:

A. If the Plan contemplates litigation or the sale of assets as a source of funding, the Debtors shall file any application to employ the necessary professionals within 30 days of This Order.

B. As soon as practicable after the claims bar date, but no later than 90 days thereafter, the Debtors shall file a motion to allow or disallow claims. The Debtor may join that motion with such other motions as may be appropriate.

C. A temporary reduction or suspension of the Debtors' payments for up to ten weeks may be granted at the Trustee's discretion without further notice or hearing, except that the Trustee may not suspend the Debtors' obligation to make the portion of any payment administered by the Trustee during the Plan for long-term debt that will survive the Debtors' discharge (e.g. mortgage obligations). Any other reduction or suspension of payments may be allowed only after notice and hearing upon motion to the Court.

D. Whether or not provided in the Plan, the Debtor shall pay to the Trustee as additional plan contributions all tax refunds, combined state and federal, in excess of \$1,200 per year, per Debtor. The Debtors shall submit to the Trustee copies of Federal and State income tax returns each year during the term of the Plan within 14 days of the filing of such returns with the appropriate tax authorities.

E. The Debtors shall pay all postpetition tax liabilities as they fall due except as provided in the Plan or as may be permitted by further Court order.

F. The Trustee is not precluded from raising pre-confirmation defaults in any post-confirmation proceeding.

G. Tax authorities are hereby granted relief from the automatic stay for the limited purpose of setting off pre-petition tax refunds against like pre-petition tax indebtedness.

H. All property of the estate, whether in the possession of the Trustee or the Debtors, remains property of the estate subject to the Court's jurisdiction notwithstanding 11 U.S.C. §1327(b).

The Clerk shall make an appropriate entry on the docket.

Date: June 17, 2014



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United States Bankruptcy Judge